

-CHILD SUPPORT-
The most commonly asked
questions and answers
by
Custodial parents



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MAKE A DIFFERENCE
FOR
YOUR CHILD

Dictionary of Terms

CP: Custodial Parent- Parent with whom the child is living

NCP: Non-Custodial Parent- Parent not living with the child, responsible for paying child support

CSE: Child Support Enforcement Agency- Agency responsible for collecting child support

Q. What do I do if I need child support and I am not receiving public assistance?

A. You may apply for service by completing the application and sending in a check for \$20.00. Child Support Enforcement, (CSE) will prepare the necessary legal forms and start child support proceedings. If you do not have the address of the Non-Custodial Parent (NCP) the agency will try to locate him/her and begin proceedings as soon as he/she is located.

Q. How do I get child support if I am receiving public assistance?

A. The public assistance office automatically refers any new paternity and support cases to the CSE agency. You will be contacted by the agency for information concerning the location of the NCP.

Q. If I am unmarried and the father is not on the birth certificate, can I get support?

A. The agency will first establish paternity in order to obtain child support. At the same time that the paternity is established the court will order support. Please review the paternity pamphlet to answer your questions.

Q. Where do I go if I have questions concerning my checks? If I am receiving public assistance, how and when will I receive my DEFRA payment?

A. Questions concerning child support can be referred to CSE. If you receive public assistance and the NCP pays child support each month, the DEFRA payment, in the amount of \$50.00, will be sent to you following each month the NCP pays support. If the NCP does not pay enough support to cover the DEFRA amount, you will not receive the DEFRA payment, up to \$50.00 for that month.

Q. What if one child is receiving SSI and the other children receive public assistance?

A. The child support will be apportioned and the child receiving SSI will receive a direct payment of his/her portion of the order.

Q. What do I do if the child support order is not enough? How often can I ask for an increase in the order?

A. If there is a substantial change in your circumstances, i.e. you stop receiving public assistance, medical assistance, or day care subsidy, you can ask for a review of the order. If three years has passed since the order entered, you can ask for a review. If your income drops significantly or the NCP's income increases significantly, that is considered a substantial change in circumstance that may allow for a change in the order. The person paying a support order is also allowed to file for a change in the order when his/her income changes or based on another substantial change of circumstances, such as emancipation of the child.

Q. How do I locate the NCP?

A. Bring all information you have concerning the NCP to the agency. He/she may be located using a last known address social security number, employer, and other information. The CSE agency has tools available to locate the NCP.

Q. Can I get support and medical coverage if the NCP is active in military service?

A. Yes. The military provides a certain amount of support for children, called an allotment. There may also be medical coverage. The military will honor a wage withholding order as well.

Q. What happens if the employer does not garnish the NCP's wages as ordered?

A. The CSE agency can proceed to enforce the order against the employer.

Q. Does the support order allow the NCP to visit the child? Does it allow him/her to have custody of the child? Can he/she take the child away from me? Can the court make him/her visit the child?

A. Child support and visitation are two separate, unconnected issues. The court deals with these issues separately. The court may not address these issues at the support hearing unless the NCP files a motion for visitation or custody. Non-payment of child support does not mean the NCP will be denied visitation. Nor does payment of child support guarantee visitation.

Q. What happens when the child support case goes to court? Do I have to attend the hearing? Can I talk to the state or CSE attorney or the judge? Why did I receive a subpoena?

A. The case is presented to a magistrate or judge by a state attorney. If you are subpoenaed you are required to attend the hearing. In most cases you are a witness to certain facts that are presented to the court, and are a party in the case. The CSE attorney does not legally represent you. The attorney represents the State of Rhode Island. Most conferences or hearings are short. Guidelines are used to establish the amount of the support order and medical coverage. If you have any facts that you want the court to know, you need to give this information to the attorneys at court, and present it to the court.

Q. What if I move to another state after the order is entered, will I receive the support and will RI continue to handle the case?

A. It is important to keep your address current with the agency. If you move, within RI or to another state, the support will be forwarded to the new address. If you begin to receive public assistance in the new state, you must report the order to the public assistance office. RI can continue to handle the case as long as either you, or the NCP, continues to live in RI.

Q. What do I do if the NCP does not pay the court order?

A. The agency can bring the matter to court on contempt proceedings, process license revocation, intercept federal and state income tax refunds, place liens on bank accounts or real estate or lottery proceeds, intercept insurance settlement proceeds, or file for criminal prosecution.

Q. What happens if the child goes to live with the other parent or another relative?

A. If the child leaves your home and lives with someone else, you should notify the agency. The relative must apply for services to secure a new child support order.

Q. How do I receive child support if the NCP lives in another state?

A. The agency will either file an instate action or file a petition to the state in which the NCP lives. You do not have to attend hearings in that state, all information is contained in the petition. The court in that state will enter the order. As the NCP pays the order it will be sent to the state where the CP resides. The order can be enforced in RI or RI can send a petition for enforcement to the state where the NCP resides.

Q. What if the NCP is abusive and I do not want any support, what can I do about that? Do I have to go to court if I have a restraining order?

A. If you receive public assistance and do not want to pursue support, you must ask for a "Good Cause" exemption from cooperating in the support process. You may do this at the public assistance office. If you do want to pursue support, you must alert the CSE that there is a restraining order or other problem with domestic violence and review the options at CSE. If you have a restraining order and are going to court, you need to alert the sheriff and CSE attorneys in the courtroom as to the restraining order or any other domestic violence issue.

Q. What is the voice response system and how can it help me?

A. When you call the Child Support number at (401) 222-2847 you will enter your pin number. There will then be a full menu that you may access. The voice response system may answer all of your questions without the need to speak to a child support agent. The information on the system includes:

- Payments made**
- Child Support disbursed**
- Questions about modification and establishing support**
- Questions about paternity**

You should always access the voice response system to answer your questions before speaking to an agent. Most of your questions will be answered through the voice response system.

For more information, contact:

**Rhode Island Department of Administration
Division of Taxation
Child Support Enforcement Legal Unit
77 Dorrance Street
Providence, RI 02903
(401) 222-2847
FAX (401) 222-3835**